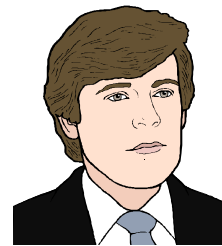
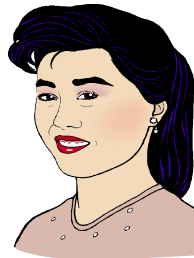


*Seeking Diversity Through  
Equal Employment Opportunity...*



**GUIDELINES FOR  
CONDUCTING THE ANNUAL ANALYSIS  
OF THE STATE WORK FORCE**



**State Personnel Board**



**Office of Civil Rights**

**March 2003**



## TABLE OF CONTENTS

Topic	Page
1. Introduction.....	1
2. Legal Requirements .....	1
· California Government Code §19797 requirement .....	1
· Supreme Court requirements.....	2
· Definition of “underutilization” .....	2
· Definition of “relevant area labor force” (RALF) .....	2
· “Convincing evidence” of employment discrimination. ....	2
3. The California Constitutional Requirement (as amended by Proposition 209) ..	2
4. The Analytical Process .....	2
5. The Work Force Analysis .....	3
Step #1 - Identify classes.....	3
· Step #2 - Identify occupational categories .....	3
· Step #3 - Determine relevant geographic recruitment areas.....	4
U.S. Department of Labor Metropolitan Statistical Areas .....	5
· Step #4 - Obtain state work force information.....	5
6. The Availability Analysis .....	6
Step #5 - Identify the options available for measuring the RALF .....	6
Step #6 - Evaluate the options for measuring the composition of the RALF.....	6
• Option #1 - Occupational Labor Force Data .....	6
• Option #2 - Qualified Applicant Pool Data .....	8
Applications Accepted Data.....	8
Entry level Qualifications Data.....	9
· Step #7 Identify Applicant Pool Data for promotional classes .....	10
(If setting goals for promotional classes)	
7. U.S. Census Data.....	10
8. The Utilization Analysis.....	11
Step #8 - Compare state work force data with the RALF availability data .....	11
▪ Statistical significance .....	11
▪ Help is available from the State Personnel Board (SPB) (technical assistance and SPB utilization reports) .....	11

## TABLE OF CONTENTS - CONTINUED

<b>Topic</b>	<b>Page</b>
9. Identifying Underutilization Problems for Persons with Disabilities.....	13
10. Required Follow-up Action .....	13
Step # 9 - Determine the cause of the underutilization problem .....	13
▪ “Bottom Line” Data Reports.....	13
▪ 80% Rule for determining adverse impact.....	14
▪ Lack of adequate all-inclusive recruitment efforts.....	14
▪ Adverse impact in the entry selection processes.....	14
▪ Discrimination in hiring .....	15
▪ Discriminatory employment practices affecting Separation rates .....	15
Step #10 - Develop an action plan to remove discriminatory employment barriers.....	16
Step #11 - Annually submit departmental work force analysis information and action plans to the SPB.....	16
▪ Due date .....	17
▪ What needs to be submitted .....	17
Step #12 - Maintain an information file on the annual work force analysis and action plan .....	17
▪ Annual Report to the Governor and the Legislature.....	17

## STATE PERSONNEL BOARD GUIDELINES FOR CONDUCTING THE ANNUAL ANALYSIS OF THE STATE CIVIL SERVICE WORK FORCE

### INTRODUCTION

It is the policy of the State of California and the requirement of federal and state law to provide equal employment opportunity to all job applicants and employees in the state civil service. Without monitoring the state work force, however, state departments cannot know whether they are meeting this requirement or whether they need to change some aspect of their personnel practices to eliminate discriminatory, non-job-related employment barriers. This is the purpose for conducting the annual analysis of the state civil service work force. Accordingly, each year, all state departments with 50 or more employees are required to compare the race/ethnic, gender and disability representation of their work force with relevant California labor force representation to identify any group that has a significantly lower representation, hereafter referred to as an “underutilization.” Where such an underutilization is identified, departments are required to determine the cause, and to take appropriate action to eliminate any illegal, non-job-related employment barriers. Any actions taken, however, must not provide employment preferences based on race, ethnicity or gender, consistent with California Constitutional provisions, as amended by Proposition 209.

The State Personnel Board (SPB) has prepared these guidelines to describe the state’s annual work force analysis process, and to instruct departments as to their responsibilities and how they are to complete the process. After completing the annual work force analysis, departments must report their findings and their equal employment opportunity action plan to the SPB for approval by July 1 each year. The SPB staff is available to provide departments with technical assistance and needed data reports in order to complete the required work. Specific instructions on how to obtain data reports are contained in Appendix 2.

### LEGAL REQUIREMENTS

The requirement that state departments conduct an annual work force analysis and develop an action plan is contained in *Government Code Section 19797*, which states...

*Each agency and department shall develop, update annually, and implement an...(equal employment opportunity)...plan which shall at least identify the areas of underutilization of...(racial/ethnic and gender groups) ... within each department by job category and level, contain an equal employment opportunity analysis..., and include an explanation (of the causes of the underutilization) and specific actions for ...(eliminating non-job-related employment barriers).*

The state has historically defined “underutilization” as:

*“...having fewer persons of a particular group in an occupation or at a level in a department than would **reasonably be expected by their availability...**”*

The U.S. Supreme Court (Court) has held in a number of decisions affecting discrimination issues that availability must be determined using **Relevant Area Labor Force (RALF)** comparisons. (*Wygant*, at 292; *Johnson v. Santa Clara Transportation Agency* [1987], 480 U.S. 616, at 630-631; *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 [1989]; *Adarand Contractors, Inc. v. Peña* [1995], 63 U.S.L.W. 4523) **The RALF consists of the pool of individuals who possess the requisite qualifications for the job in the geographic area in which employers can reasonably expect to recruit.** A department cannot “reasonably be expected” to hire unqualified individuals or individuals outside the recruitment area.

The Court has also held that there must be “**convincing evidence**” in order to conclude that employment discrimination by an employer has occurred. (*Wygant v. Jackson Board of Education* [1986], at 277). Accordingly, mere underutilization is not sufficient for a state department to conclude that there has been employment discrimination requiring action be taken. There must be “**substantial**” underutilization. The Court has recognized a statistical disparity of two or three standard deviations as being substantial and sufficient to establish a prima facie case of employment discrimination (*Hazelwood School District v. United States* [1977] 433 U.S. 299, at 308, n 14). Of course, statistics alone are not sufficient to prove discrimination. Additional analysis is required to factually establish that an illegal employment barrier has caused the underutilization before appropriate corrective action is justified.

### **THE CALIFORNIA CONSTITUTIONAL REQUIREMENT, AS AMENDED BY PROPOSITION 209 (1996)**

In November 1996, *Proposition 209* was passed by the voters, amending the California Constitution to prohibit employment discrimination and the granting of preferences based on race/ethnicity and gender in public education, employment and contracting. This action, however, did not eliminate all actions designed to prevent or eliminate employment discrimination. Implicit in the Constitutional prohibition against discrimination is the requirement that employers take appropriate action to ensure that their employment practices are fair and non-discriminatory, and that they be vigilant in identifying discrimination problems and taking swift and timely action to eliminate discrimination when found. Any actions taken, however, must not provide preferences based on race, ethnicity or gender.

### **THE ANALYTICAL PROCESS**

In order to determine whether or not a department has a significant underutilization, in an ethnic or gender group, in a job classification or occupational category, that would require them to take appropriate corrective action, a department must undertake the following five-part process:

- (1) a **work force analysis** to determine the ethnic and gender composition of its employees by occupation and level;

- (2) an **availability analysis** to determine the ethnic and gender composition of the RALF;
- (3) a **utilization analysis** to determine how the ethnic and gender composition of the departmental work force compares with the composition of the RALF to identify any underutilization substantial enough to justify further analysis;
- (4) a **follow-up analysis** to identify the cause of any substantial underutilization found in the utilization analysis; and
- (5) **development of an action plan** to eliminate or correct any non-job-related employment practices found to cause the underutilization of any racial, ethnic or gender group.

## THE WORK FORCE ANALYSIS

### **Step #1: Identify all entry level and promotional classes used by the department.**

The SPB will provide state departments with a list of the classes they use.

### **Step #2: Identify occupational categories**

Group entry level, working level and supervisory level classes, which are in a logical promotional relationship, into occupational categories, e.g., accountants, typists, plumbers, lawyers, etc. It is only appropriate to group classes if incumbents entered state service through a common entry -level class. If higher-level classes have alternate entry patterns from other class series, they should be treated separately.

The SPB believes that using occupational group data comparisons is more appropriate than using just entry level class comparisons because it provides a more complete picture of the department's hiring practices over time. In many occupations, very few employees stay in the entry-level class for very long. They move into journey level working positions, and then some move into supervisory positions. In fact, the current composition of the entry-level class may disguise an underutilization problem created by past discriminatory employment practices. If there is an underutilization in the occupational grouping, the primary way to deal with it is through hiring in the entry-level class. In effect, all incumbents in the occupational group are treated as if they are still in the entry-level class.

Another reason for grouping classes is to increase the pool of employees for statistical analysis. If there are fewer than 30 incumbents in a category, the size of the category is too small to make meaningful statistical comparisons. In such situations, employment discrimination cannot be determined, unless there is other evidence of past or present non-job-related employment barriers (anecdotal evidence), and no further analysis of the category is required.

**NOTE:** The SPB has established standardized occupational groups to facilitate the analytical process and to be able to produce utilization reports earlier in the process (See Appendix 12). If a department wishes to deviate from the standardized groups or to make changes in the groups, it should contact the SPB Office of Civil Rights for approval.

**Step #3: Determine the relevant geographic recruitment area for each entry-level class in the occupational category.**

The first step in identifying the relevant geographic recruitment area is to determine the basis on which examinations for the class are given, i.e., statewide, countywide, regional, etc. If recruitment to fill vacancies is statewide and candidates are expected to relocate to accept positions, then use of statewide labor force data is appropriate. If recruitment to fill vacancies is less than statewide and there is less expectation that candidates will relocate to accept positions, you must determine the appropriate relevant geographic recruitment area for positions at each work site location. The area is often broader than you might first think. It is important to note that the relevant geographic labor force area is determined not by where the department formally recruits, but by where the actual candidates come from. For example, a department may only formally recruit in one county, but gets candidates not only from that county but also the surrounding counties. If a department's work force analysis process is challenged, the department must be able to justify its relevant labor force areas with supporting information.

To determine the appropriate relevant labor force area, you should consider the following information before making a final decision:

- (a) the county in which each office, institution, hospital, etc. of the department, employs persons in the class or occupational category. In addition, if recruitment and hiring is within a region or district, identify which counties are included within the region or district;
- (b) the county of residence of incumbents in the class at each department location. **Note:** Departmental offices that are within the same county may be combined for analytical purposes;
- (c) the county of residence of candidates on the certification list(s) for the class at each department location; and
- (d) the county of residence of individuals whose applications were accepted in spot examinations for the class used to fill vacancies at each department location.

**NOTE:** In order to help ensure consistent treatment by state departments, the SPB will determine the relevant geographic labor market area for classes used on a multi-departmental or service-wide basis.

Source of Data:

Data reports on the county of residence of employees and candidates can be obtained from the Information Services Unit at the SPB, on a reimbursable basis, by using the special request form in *Appendix 1*. **Note:** Data availability on candidates is, in part, dependent on whether or not the department has submitted bottom line data from its examinations to the SPB and/or uses the SPB Central Certification System.

#### How to Use the Data:

Once the above information is obtained, decide which of the data options is most appropriate for defining the relevant geographic recruitment areas. The order of consideration should be information based on (1) applications accepted; (2) certification lists; and (3) incumbents in the occupational classes. This order goes from the broadest indicator of the relevant geographic recruitment area to the more narrow indicators. Data for each indicator is not always available. Review the most appropriate information and identify from which counties you are recruiting candidates for each of your employment locations. These counties compose the relevant geographic labor market for the occupation being analyzed.

#### A Short Cut to Identifying the Relevant Geographic Labor Force Area

To assist departments in determining appropriate relevant geographic labor market areas, the SPB has divided the state into 18 geographic areas using the U.S. Department of Labor's Metropolitan Statistical Areas (MSAs) as the basis (See *Appendix 6, County Codes*). These MSAs can be used singly or in combination to reflect local relevant labor market areas for offices or facilities within these areas.

Although using MSAs is technically not as precise as the analytical process above, it provides a reasonable estimate of the labor market recruitment areas. It is important to be accurate in identifying your geographic labor market areas because data from these areas will be used for comparison with state work force information.

**Step #4: Obtain state work force information about the ethnic and gender composition for all full time and other than full time employees (combined) in each class.**

State work force data must include both full time and other than full time employees in order to be comparable with U.S. Census data. In addition, it must be broken down by the relevant geographic area(s) as determined in Step #3 above. These are the data that will be used for comparison to relevant labor force data to identify underutilization problems. A separate utilization analysis must be completed for an occupational group of classes for each relevant geographic area.

#### Source of Data:

State work force data that combines information on full time and other than full time employees may be obtained from the SPB, on a reimbursable basis by using the attached special request form (See *Appendix 2 - Attachment 1*).

#### **THE AVAILABILITY ANALYSIS**



The availability analysis is conducted to identify the appropriate RALF data with which to compare to state work force data to determine any underutilization of a racial/ethnic or gender group in an occupation. There are a number of methods that can be used to measure the racial/ethnic and gender composition of the RALF. The appropriateness of each depends on such factors as whether hiring is open or promotional, whether or not classes have specific minimum qualifications; and whether there is a valid source of data available, etc. These considerations are discussed below.

**Step #5: Identify the options available for measuring the RALF availability for entry-level classes in the occupational category.**

1. For classes with no specific education or experience requirements, either occupational or general labor force information may be used. 1990 U.S. Census is currently the appropriate data source. (**Note:** 2000 Census data are not yet available.)
2. For classes with specific education an/or experience requirements, either **occupational labor force** information or **qualified applicant pool** information. (i.e., census data on those meeting class “Minimum Qualifications” (MQs); or applications accepted in recent examinations; college graduates in the specific field; etc.) may be used. The courts appear to prefer direct labor force (e.g., U.S. Census data) comparisons to applicant pool comparisons. The U.S. Supreme Court has stated:

*...the proper comparison (is) between the racial composition of (the at issue jobs) and the racial composition of the qualified population in the relevant labor market...in cases where such labor market statistics will be difficult if not impossible to ascertain, we have recognized that certain other statistics such as measures indicating the racial composition of otherwise qualified applicants for at-issue jobs are equally probative... (Wards Cove Packing Co. v. Atonio, 109 S.Ct. 2115 1989)*

**Step #6: Evaluate the options for measuring the composition of the RALF.**

Each department must consider the options available for determining the composition of the RALF for their classes and determine which is the most appropriate. Not all options may be available or appropriate for each class; however, where there are appropriate options, one may provide a sounder basis of support for data comparison than the others.

**Option #1 - Identify Occupational Labor Force Data as an indicator of availability in the RALF.**

1. Occupational labor force (OLF) data consists of information about the racial/ethnic and gender representation of individuals already in the specified occupation, e.g., typists, carpenters, lawyers, accountants, etc. This information is available from the 1990 U.S. Census for 512 occupational categories.

2. OLF data is generally the most widely used data by employers for measuring the RALF. Where OLF data is available, it may be compared directly to state work force data to determine whether there is any underutilization of minorities or women. The primary difficulty with using OLF data is that it is sometimes difficult to find appropriate data matches for state classes.
3. To ensure making appropriate data comparisons, it is critical that departments first carefully match state class specifications with census survey occupational category descriptions. Departments should not rely on matching their classes with survey data solely on the basis of job titles. Titles can be deceptive.
4. Descriptions of the 2000 census occupational categories may be found at the O-net web site on the Internet at <http://online.onetcenter.org>. The 2000 U.S. Census occupational category code numbers are different than the 1990 occupational category code numbers. Occupations may be located using the search feature by entering a job title or a Standard Occupational Classification (SOC) code number. Appendix 3 cross-references state occupational group codes with both the 2000 census occupational category codes and with the SOC codes.
5. Where there is more than one department using a class or group of classes, the SPB will determine the appropriate matches between state occupational class groups and U.S. Census occupational categories. This will help ensure that all state departments make consistent comparisons. Departments may vary from these determinations only if appropriate justification is provided to the SPB.
6. Departments should document all job matches used when making occupational labor force comparisons. Where necessary, such documentation should include an explanation of why the match is appropriate. These records should be maintained by the department as evidence to support any corrective actions taken to remove discriminatory employment barriers.
7. Once appropriate matches have been determined between state classes and census occupational categories, departments should identify the appropriate ethnic and gender data from the census to use for data comparisons. Some state job classifications are broad and encompass more than one census occupational category. In such cases, it will be necessary to combine data in matching occupational categories before making a comparison to state work force data.
8. Availability data must be identified for each relevant geographic area from which the department recruits and hires qualified candidates.

#### Source of Data:

2000 U.S. Census OLF data is available to departments from the SPB on a reimbursable basis. Data may be ordered using the special form included in *Appendix 2 - Attachment 1*.

**Option #2 - Identify Qualified Applicant Pool Data as an indicator of the RALF availability.**

Qualified applicant pool data consists of information about the ethnic and gender representation of those who meet one of the MQ patterns in the class specification. There are two types of qualified applicant pool data:

- (1) data on the ethnic and gender representation of those whose applications have been accepted in recent examinations for the class; and
- (2) data from the U.S. Census or other resource on those who meet the education and/or experience requirements specified in the MQs section of the class specification.

**(a) Identify Applications Accepted Data as an indicator of the RALF availability**

1. Applications accepted data may be used to reflect the RALF where recruitment for a class has been broad and unbiased, and there is ample recent examination information (within the last five years) to draw from. Where appropriately used, it may be considered the most accurate indicator of availability in the RALF because it identifies not only persons who are qualified for the job, but also those who are interested (filed applications) in the job. When compared with census labor force data, it also can be used to evaluate the effectiveness of recruitment efforts.
2. **WARNING!** It is not appropriate to use this type of data where the recruitment plan has been designed to limit participation of any race/ethnic or gender group in the examination process. This would distort the minority and gender representation and call into question the validity of applications accepted data as a true representation of the RALF. In addition, any recruitment plan designed to limit the participation of any racial/ethnic or gender group would violate the non-discrimination provisions of the California Constitution, as amended by Proposition 209.
3. A primary advantage to using this type of data is that it is not necessary to match state classes with other data survey job descriptions. In addition, applications accepted data can be used when there is no other appropriate occupational or educational data available to use. Where appropriate, applications accepted data may be compared directly to state work force data to determine whether there is an underutilization of any racial/ethnic or gender group members.
4. Applications accepted data must be broken down by the relevant geographic area in which a department recruits and hires qualified candidates into a class.

**Source of Data:**

Applications accepted data is available from the SPB for examinations in the SPB centralized system and for decentralized examinations where departments have submitted their “bottom line” exam results to the SPB. Departments may order reports

for their classes from the SPB, on a reimbursable basis, by submitting the special request form in *Appendix 2 - Attachment 1* (See also sample forms in *Appendix 2 - Attachments 8 and 9*). **Note:** See Appendix 10 for an explanation of “bottom line” report information.

**(b) Identify U.S. Census Data (or other data) on those meeting MQ patterns for entry-level classes for occupational categories as an indicator of availability in the RALF.**

1. Applicant pool data may also be developed by identifying those who meet MQ patterns for a class. Classes frequently include multiple MQ patterns, including both internal state service patterns and external non-state education/experience patterns. It is necessary to identify a source of applicant pool data for each MQ pattern in order to accurately reflect availability in the RALF.
2. Data on the composition of “feeder classes” (those classes whose incumbents meet the MQs of the subject class) may be used to estimate the applicant pool of those meeting internal MQ patterns. This may somewhat overstate the applicant pool since there is usually a minimum amount of time in the class required, and not all incumbents may have completed that required time. It is not appropriate to use “feeder class” composition if, in addition to time in a “feeder class”, there is also some educational requirement, e.g., one year in the class and six units of college, etc. It is usually not possible to obtain accurate composition data where there is both an experience and education requirement in combination.
3. Educational or occupational data from the U.S. Census or other appropriate source may be used to estimate the applicant pool of those meeting external, non-state MQ patterns, if an appropriate data match can be found.
4. In order to determine the overall total qualified applicant pool, data on those qualifying under each MQ pattern must be added together. In this way, the combined data is naturally weighted by the number of individuals qualifying under each MQ pattern to accurately reflect the RALF availability.
5. Data must be broken down for each relevant geographic area in which a department recruits and hires qualified candidates into a class.

Source of Data:

Data on the representation of employees in state “feeder classes” and U.S. Census data is available from the SPB on a reimbursable basis by submitting the special request form in *Appendix 2 - Attachment 1* (Also see sample forms in *Appendix 2 - Attachment B3, B4, and B5*)

**Step #7: Identify Appropriate Applicant Pool Data as an Indicator of the RALF Availability for Promotional Classes (where goals for promotional classes are being set)**

1. For classes where hiring is on a promotional only basis, qualified applicant pool data (i.e., applications accepted from the bottom line hiring report for the most recent examinations) is usually the most appropriate basis for comparison. This is deemed to be the most reliable and valid indicator of the availability of qualified and interested individuals. (*Wards Cove Packing Co. v. Atonio*, 109 S.Ct. 2115 (1989)).
2. In the event these data are insufficient or unavailable or there is evidence of past discriminatory employment practices which cast doubt on the validity or reliability of applicant pool data, then the composition of the “feeder classes” (i.e., those classes whose incumbents meet the minimum qualifications for the subject class) may be considered for use as the relevant labor force information.

**U.S. CENSUS DATA**

1. The SPB can provide departments with a variety of labor force information from the 2000 U.S. Census. Occupational data is available for 472 occupational categories and the SPB can combine occupational categories in any combination in order to match state classes. Current data matches between the 2000 Census Occupational Categories and state standardized occupational groups are contained in Appendix 3.
2. U.S. Census educational data is available for the following categories:
  - (1) Not a High School Graduate
  - (2) High School Graduate
  - (3) Some College or Associate Degree
  - (4) Bachelor's Degree
  - (5) Graduate or Professional Degree
  - (6) All High School Graduates
  - (7) All College Graduates

The U.S. Census does not break down college graduation data by major or specialty area. This type of data is available, however, from the Post Secondary Education Commission or the SPB can provide it.

2. All census data are available on a statewide or county basis. Departments may request that county data be combined to reflect regions or districts to coincide with the geographic recruitment area for a class. Requests for data from the SPB may be made using the special request form in Appendix 2 - Attachment 1.

## THE UTILIZATION ANALYSIS

### Step #8: Compare state work force data with the RALF availability data.

1. After the RALF availability data for racial/ethnic and gender groups has been identified, it must be compared to the department's racial/ethnic and gender group representation in the occupational group in each geographic recruitment area.
2. If the RALF availability of a group is greater than the group's representation in the occupational category, there is an underutilization. An underutilization should be identified as the number of employees that would be required to eliminate the underutilization. Numbers may be rounded to the nearest whole person.
3. Where an underutilization for a racial/ethnic or gender group is identified, a department is required to determine whether or not it is statistically significant at the .05 level of significance. **Note:** If an underutilization is significant at the .05 level of significance, there is a 95% probability that the underutilization is real and not due to chance. The method for computing statistical significance is the One-tailed Z Test. A Z value of 1.65 is considered statistically significant at the .05 level. The formula and instructions for computing the Z Test are contained in *Appendix 4*. The formula is also available for computation on EXCEL software on diskette from the SPB Office of Civil Rights (the department must provide the diskette). Statistical significance was recognized by the U.S. Supreme Court in *Hazelwood School District v. United States* (1977), 433 U.S. 299, at 308, n 14 as an appropriate method for determining possible employment discrimination problems.
4. **Help is available from the SPB.** The SPB has developed a computer program that will do the utilization analysis, including: (1) comparing state work force data to the RALF data; (2) identifying underutilization problems, i.e., the number and percentage deficient; and (3) whether disparities in representation are sufficiently significant to require departments to take follow-up action. Departments may order utilization analysis reports from the SPB, on a reimbursable basis by submitting the special request form in *Appendix 2 - Attachment 1* (Also see sample reports in *Appendix 2 - Attachments 11-19*).

An example of the SPB Utilization Report is shown below. It is important that state departments understand this report and properly interpret the information. The report is divided into the following parts:

- representation (number and percentage) in the state occupational group in the department;
- representation (number and percentage) in the relevant labor force for the occupational group;
- state utilization (% state representation - % relevant labor force representation). A minus value indicates an underutilization;

- state deficiency (the number of additional state employees needed to reach relevant labor force representation);
- 80% Threshold (80% of relevant labor force expressed as a percent). If the percentage of state representation falls below this figure, there will be a "Yes" below the figure. This figure may indicate a possible representation problem that should be watched; and the
- Z Test Value (The computation of the Z value is used to determine statistical significance. If the value is 1.65 or greater, the underutilization is statistically significant at the .05 level of statistical significance. When statistically significant, the Z value will have a "Yes" below it.)

**UTILIZATION ANALYSIS WORK SHEET**  
**Park Rangers at the Department of Parks and R**

**State Work Force Data As Of 03/31/97**

Class	White	Black	Hispanic	Asian	Filipino	Am Indian
St Pk Ranger Cadet	0	0	0	0	0	0
St Pk Ranger	292	10	37	16	2	2
St Pk Ranger Int	3	0	1	0	2	0
Sup St Pk Ranger	71	4	5	2	2	0
St Pk Ranger III	0	0	0	0	2	0
St Pk Ranger IV	0	0	0	0	2	0
St Pk Ranger V	0	0	0	0	2	0
St Pk Sup I	23	0	0	1	2	0

<b>Total:</b>	<b>#</b>	<b>389</b>	<b>14</b>	<b>43</b>	<b>19</b>	<b>14</b>	<b>2</b>
	<b>%</b>	<b>80.2%</b>	<b>2.9%</b>	<b>8.9%</b>	<b>3.9%</b>	<b>2.9%</b>	<b>0.4%</b>

State Representation

**Relevant Labor Force - Applicant Pool (Accepted /**  
**Statewide**

Data	White	Black	Hispanic	Asian	Filipino	Am Indian
1995 Exam	514	39	88	22	13	10
1997 Exam	535	26	87	18	10	6

Partial  
Utilization  
Report

<b>Total</b>	<b>#</b>	<b>1,049</b>	<b>65</b>	<b>175</b>	<b>40</b>	<b>23</b>	<b>16</b>
	<b>%</b>	<b>74.0%</b>	<b>4.6%</b>	<b>12.4%</b>	<b>2.8%</b>	<b>1.6%</b>	<b>1.1%</b>

Relevant Labor Force  
Representation

<b>State Utilization</b>	6.2%	-1.7%	-3.5%	1.1%	1.3%	-0.7%
<b>Deficiency</b>		8	17			3

<b>80% Theshold</b>	59.2%	3.7%	9.9%	2.3%	1.3%	0.9%
<b>Below 80%</b>	NO	YES	YES	NO	NO	YES

**Z Test Score (2 S.D.=1.65)**  
**Statistically Significant**

1.79  
YES

2.33  
YES

1.49  
NO

These Z values are statistically significant.

This Z value is not statistically significant.

5. The bottom line on the utilization report will state "Yes", if there is a statistically significant underutilization for a race/ethnic group or gender group. If there is no statistically significant underutilization, the line will read "No". If the line is blank, there is insufficient data to determine statistical significance. If there is no

statistically significant underutilization identified in an occupational group, the process is completed for that occupational group. There is no need to go to the next step. IF SIGNIFICANT UNDERUTILIZATION IS IDENTIFIED, THE DEPARTMENT IS REQUIRED TO TAKE FOLLOW-UP ACTION and go on to Step #9.

## **IDENTIFYING UNDERUTILIZATION PROBLEMS FOR PERSONS WITH DISABILITIES**

The U.S. Census Bureau's special survey of *Income and Program Participation* estimates that representation of individuals with disabilities in California is 11.4%. Because labor force data on the representation of individuals with disabilities are not available on an occupational or geographic basis within California, a different work force analysis approach must be taken than the one taken for women and minority groups. The 11.4% figure represents the average representation of persons with disabilities across all occupational and geographic areas in California. As such, it should be viewed as an overall general target for a department and not a specific goal for individual occupational groups. (See *Appendix 11* for the SPB's procedures for establishing employment goals for individuals with disabilities).

## **REQUIRED FOLLOW-UP ACTION**

### **Step #9: Determine the cause of the underutilization problem**

Where statistically significant underutilization of a racial/ethnic or gender group is identified, the department must attempt to identify the cause or causes. There are four primary causes of underutilization due to discriminatory practices:

- Lack of adequate all-inclusive recruitment efforts;
- Adverse impact in the entry selection processes;
- Discrimination in hiring; and
- Discriminatory employment practices affecting separation rates.

The primary information departments need to analyze regarding their recruitment, selection, and hiring and retention practices, comes from "bottom line" data reports for entry examinations, SPB utilization reports, and Management Information Systems (MIS) Reports 3120 and 5112. These reports provide data on the recruitment rates, passing rates at each step of the examination process, hiring and separation rates for racial/ethnic and gender groups, and people with disabilities. Departments should not limit themselves to these information sources, however, but use any information they may have that would be helpful in identifying the causes of underutilization.

If the cause of an underutilization problem can be explained by a legitimate reason, (e.g., equal employment opportunity for men as office assistants has resulted in an underutilization of women in a traditionally female dominated



occupation; or there is an underutilization of women in some occupation at a correctional facility that can be explained because of the undesirable work location or environment, etc.), there is no need to go to the next step. No corrective action is needed.

**IMPORTANT:** In their annual work force analysis report to the SPB, departments need to explain the cause for the underutilization for each significantly underutilized group. If the department is unable to identify a cause, they need to say so, and indicate what they did in an effort to determine the cause. For each of the potential causes of underutilization, departments need to answer the questions below in their report.

### **(1) Lack of Adequate All-Inclusive Recruitment Efforts**

***Were the race/ethnic and gender percentages of job applicants in entry exams similar to the percentages available in the relevant labor force?***

To answer this, compare “bottom line” information on accepted applications to relevant labor force percentages on the utilization reports. The percentages should be close. If not, review the recruitment plan and make appropriate revisions to be more inclusive. Please note that Senate Bill 1045 (Polanco 2002), which became effective January 1, 2003, authorizes focused outreach efforts for any underutilized group as a component of a broad, inclusive general recruitment effort.

### **(2) Adverse Impact in Entry Selection Processes**

***Was there any adverse impact against any racial/ethnic or gender group at any stage in the selection process for entry classes in the occupational group?***

#### Departmental Examinations:

To answer this, review “bottom line” data report information at each step of the selection process for examinations conducted by the department. If the passing rate for a group is below 80% of the highest passing group (80% or 4/5<sup>th</sup> Rule – See *Federal Uniform Guidelines on Employees Selection Procedures*), there is adverse impact at that stage of the selection process that may indicate an employment discrimination problem requiring remedial action. If adverse impact is identified, the selection process needs to be modified, replaced, or validated. (See Appendix 10 for more detailed information about the “bottom line” reports).

**Important Note!** Departments need to insure that their examination information is submitted to the SPB, so that the SPB can produce and send them the “bottom line” reports. Without the “bottom line” reports, it is much more difficult for a department to identify the cause of an underutilization problem.

Service Wide Examinations:

When there is significant underutilization of racial/ethnic or gender groups in an occupation where examinations for entry classes are given on a service-wide basis, departments should focus their analysis on hiring and retention data. If departments conduct their own examination for a service-wide class, the analytical process is the same as described above for departmental exams.

**(3) Discrimination in Hiring**

**Were the race/ethnic and gender percentages of those hired into entry classes consistent with the percentages of qualified candidates on eligible lists?**

To answer this, compare the percentages on the eligible list from the “bottom line” reports to the percentages hired from MIS Report 5112. If the percentages are not reasonably close, the situation needs to be explored and explained or resolved. Hiring managers may need training in non-discrimination legal requirements and/or diversity sensitivity.

**(4) Discriminatory Employment Practices Affecting Separation Rates**

**Were the race/ethnic and gender percentages of those separated from classes within the occupational group in the department consistent with the departmental percentage representation of incumbents in the occupational?**

To answer this, compare the percentages on those separated from classes in the occupation from MIS Report 3120 to the departmental representation percentages in the occupational group from the utilization reports. If the percentages are not reasonably close, the cause needs to be identified and explained or corrective action taken.

If causes are identified from the above analysis, an action plan is required to remedy the problems. The analysis must treat all racial/ethnic and gender groups equally, including whites and men, and women in traditionally female dominated occupations. If departmental staff needs assistance on completing this analysis, please contact the statewide work force analysis coordinator in the Office of Civil Rights at the SPB.

**Step #10: Develop an action plan to remove discriminatory employment barriers.**

Whenever a department finds a discriminatory, non-job-related employment barrier, it must develop an appropriate action plan to correct or remove it. Action plans should identify specific actions to be taken and target dates for completion. The appropriate action that needs to be taken will depend on the specific

cause(s) of the discrimination. Actions might include, but are not limited to, the following:

- conducting job analyses to determine job-related requirements;
- revising class specifications to remove non-job-related minimum qualifications;
- revising recruitment plans to expand outreach efforts to better ensure equal opportunity for all groups of employees;
- revising or replacing written examination material that has caused adverse impact against a particular race/ethnic or gender group, or persons with disabilities;
- validating selection processes to ensure fairness for all groups of job applicants;
- ensuring that staff administering examinations has received appropriate technical training to competently develop and administer state examinations;
- ensuring that your department has non-discrimination policies in place and that all hiring managers and supervisors are aware of the policies;
- providing diversity sensitivity training to hiring managers and supervisors so that they might better understand behavior differences among different groups of people; and
- providing employment law training to departmental managers and supervisors to ensure that they are knowledgeable about non-discrimination and equal employment opportunity requirements.

**Step #11: Annually submit departmental work force analysis information and action plans to the SPB.**

1. Each department is required to annually document the results of its work force analysis, identifying underutilization problems and explaining the causes or the actions to be taken to identify the causes and to correct discriminatory employment barriers. This documentation must be submitted to the SPB each year for review and approval by **July 1**, so that the action plan can be put into effect at the beginning of the fiscal year. A transmittal memorandum, signed by the department's director or a designated deputy director, should accompany this material. The memorandum should summarize actions and accomplishments for the previous year.
2. In order for the department's work force analysis and action plan to be approved, a department must submit the following to the SPB:

- (a) a list of all department occupational groups with 30 or more employees. **(Note:** Please list on SPB Form AA02, *Summary of Departmental Work Force Analysis* [See Attachment]);
- (b) indication on SPB Form AAP02, of the amount of the deficiency for racial/ethnic groups and women that have a substantial underutilization (significant at the 0.05 level of significance) in each occupational category;
- (c) a copy of the Utilization Reports which provide the data indicating the underutilization of any racial/ethnic or gender group; and
- (d) your findings regarding the cause of any significant underutilization of each group and the action plan for correcting or eliminating any non-job-related employment barrier identified.

**Step #12: Maintain an information file on the annual work force analysis and action plan.**

Departmental work force analysis information is public information, subject to public review. Departments must maintain all working papers indicating how their work force analysis was conducted, the results of the analysis, and the action plans to correct underutilization problems.

**Annual Report to the Governor and the Legislature**

Government Code Section 19793 requires the SPB to annually report to the Governor and the Legislature on information about the state work force, so that they may evaluate the equal employment opportunity efforts of state departments. This report must be submitted by November 15<sup>th</sup> of each year. The results of the departmental work force analysis form a significant component of this report. Accordingly, it is very important that departments do an accurate and thorough analysis of their work force, and report the results to the SPB by the statutory **July 1 deadline**. Departments failing to complete their annual work force analysis, and to report their results to the SPB in accordance with statutory requirements, shall be identified in the report.